

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Title: PROCESS FOR APPLYING A COATING ON AN OPTICAL LENS FACE
AND IMPLEMENTATION SYSTEM

Appl. No.: 10/802,172

Applicant: JALLOULI, Agnes

Filed: March 17, 2004

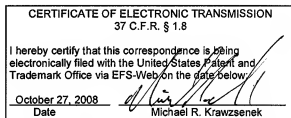
TC/A.U.: 1792

Examiner: LAFOND, Ronald

Docket No.: ESSR:080US

Customer No.: 32425

Confirmation No. 3841



**RESPONSE TO NOTICE OF NON-COMPLIANT
AMENDMENT MAILED OCTOBER 14, 2008**

MS AMENDMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Commissioner:

This paper is submitted in response to the Notice of Non-Compliant Amendment mailed October 14, 2008 ("Notice"). It is believed no fees are due with the submission of this paper. Should any fees be required, consider this paragraph such a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 from Fulbright & Jaworski Deposit Account No. 50-1212/ESSR:080US.

The issuance of the Notice is improperly delaying the substantive examination of this case (see pages 11-12 below detailing **additional** Patent Office delays). Applicant submitted a complete response to the Second Restriction and Species Election Requirement on July 2, 2008

("Second Requirement"). In this response, Applicant elected Group I (*i.e.*, claims 1-61) and made appropriate arguments against the restriction between Groups I and II (*i.e.*, claims 62-64). Instead of receiving a substantive Office Action, Applicant received the Notice over three months after filing its response to the Second Requirement. The Notice states that non-elected claims 62-64 should have been designated as "withdrawn" instead of "original." Applicant chose to not list these claims as "withdrawn" given the arguments against the restriction.

Applicant submits that it would have been more efficient to simply enter Applicant's response, issue a substantive office action, and indicate in the office action that claims 62-64 are withdrawn from consideration. Indeed, this is the standard operating procedure that Applicant has experienced with the U.S. Patent Office for its other cases. In fact, this is exactly the same procedure used when Applicant responded to the First Restriction and Species Election Requirement mailed on January 10, 2008.

However, in an effort to move this case forward, Applicant resubmits its previous response to the Second Requirement, with claims 62-64 now being designated as "withdrawn." Applicant intends to request a patent term extension that is commensurate in scope with the delays that this application has been subjected to upon the issuance of a corresponding patent.

A Listing of the Claims begins on page 3.

Remarks/Arguments begin on page 11.